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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,776	12/21/2001	James A. Hutchison	010555	9013
23696	7590	09/23/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,776

Applicant(s)

HUTCHISON, JAMES A.

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/06/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The examiner agreed with some of the arguments stated by the applicant; however, a new office action rejection is presented in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 12-16, 20-23, 26-27 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (Stevens, Robert David; GB Pub. No.: 2,336,975 A) in view of (MPEP 2144.03).

Regarding claims 1, 12, 13, 20, 26, 27, 33 and 34, Stevens teaches of a method (page 2, line 13-16), device (figure 1, items 10a-d), wireless transmitter (figure 1, page 1, lines 10-14; where radio systems include wireless transmitters), processor and controller (page 12, lines 28-31; where TETRA radio systems comprise both processor and controllers to perform radio communications) and a computer-readable medium carrying instructions (pages 11 and 12, lines 34-37 and 1-14) comprising: transmitting and receiving a request for access to a broadcast link in a point-to-multipoint communication system (columns 1, 5 and 6, lines 24-26, 37 and 7, respectively); transmitting audio with the access request (columns 3 and 4 lines 31-35 and 5-10 where

even if resources are not available the access request and voice message are sent by a user of the group).

Stevens does not teach of terminating the audio transmission in the event the access request is denied.

However, Examiner takes "Official Notice" of Steven's admission where is well known in the art of terminating the audio transmission in the event the access request is denied (pages 3 and 4, lines 36-37 and 1-3, respectively).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to use combine Steven's method of sending an access request and voice message with the prior art where a call is terminated if resources are not available, in order to save storage capacity in the system. .

Regarding claims 2, 14 and 21, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1, 12 and 20. Stevens further teaches where transmitting audio includes transmitting the audio immediately following transmission of the access request (pages 3, 4, 5 and 6; lines 25-35, 5-10, 37 and 1-12, respectively; where the access request and message are sent almost simultaneously; e.g., in push-to talk systems, the user presses the button and starts talking immediately after).

Regarding claims 3, 15 and 22, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1, 12 and 20. Stevens further teaches where transmitting audio includes transmitting the audio before receiving an acknowledgement that the access request is granted (pages 5 and 6; lines 37 and 1-12, respectively; where a grant for

access, acknowledgement, is not received by the sending unit for those units whose resources are "unavailable",).

Regarding claims 4, 16 and 23, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1, 12 and 20. Stevens further teaches where transmitting audio includes transmitting the audio without receiving an acknowledgement that the access request is granted (pages 5 and 6; lines 37 and 1-12, respectively; where a grant for access, acknowledgement, is not received by the sending unit for those units whose resources are "unavailable").

Regarding claims 9 and 18, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1 and 12. Stevens prior art admission according to MPEP further teaches of receiving the denial of the access request from a wireless communication device in the system via a wireless base station (pages 3 and 4, lines 36-37 and 1-3, respectively; where the BS sends a wireless radio message to the MS).

Regarding claims 8 and 25, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1 and 20. Stevens further teaches transmitting the audio to the broadcast link via wireless network equipment (figure 1, where radio communication systems transmit data wirelessly).

Regarding claim 28, Stevens in view of MPEP 2144.03 teaches all the limitations of claim 26. Stevens further teaches where the processor directs transmission of an indication that the access request is granted or denied (page 12, lines 28-31; where TETRA radio systems comprise both processor and controllers to perform allocation of channels; thus, access and denial of resources).

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Regarding claim 29, Stevens in view of MPEP 2144.03 teaches all the limitations of claim 26. Stevens further teaches where the transmitter transmits an indication that the access request is granted or denied (page 12, lines 28-31; where acknowledgements or non-acknowledgements are the indication of access or denial of resources).

Regarding claim 32, Stevens in view of MPEP 2144.03 teaches all the limitations of claim 26. Stevens further teaches where the processor resides within a network server in a wide area network associated with network equipment in the point-to-multipoint communication system (where figure 1 represents a WAN).

4. Claims 5-11, 17-19, 24-25 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of MPEP 2144.03 as applied to claims 1, 12, 13, 20, 26, 27, 33 and 34 above, and further in view of Lynk (Lynk, Charles N.; EP Application No.: 3,321,672).

Regarding claims 5, 17, 24 and 30, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1, 12 and 20.

Stevens in view of MPEP 2144.03 does not specifically teach where at least a portion of the audio transmission serves as the access request

In related art concerning a transmission trunked radio system with voice buffering and off-line dialing, Lynk teaches where at least a portion of the audio transmission serves as the access request (column 7, lines 5-8; where a portion of the audio transmission as served as access request).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stevens in view of MPEP 2144 combination with Lynk's portion of the audio transmission serving as the access request in order to reduce the duration of delay, as taught by Lynk.

Regarding claim 6, Stevens in view of MPEP 2144 teaches all the limitations of claim 1.

Stevens in view of MPEP 2144.03 does not specifically teach of receiving an acknowledgement that the access request is granted during transmission of the audio

In related art, Lynk teaches comprising receiving an acknowledgement that the access request is granted during transmission of the audio (column 5, lines 41-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stevens in view of MPEP 2144 combination with Lynk's receiving an acknowledgement that the access request is granted during transmission of the audio in order to speed up the process, as taught by Lynk.

Regarding claim 7, Lynk and Stevens teach all the limitations of claim 1.

Stevens in view of MPEP 2144.03 does not specifically teach of receiving the denial of the access request from an arbitration controller.

In related art, Lynk teaches of receiving the denial of the access request from an arbitration controller (column 7, lines 47-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stevens in view of MPEP 2144 combination with Lynk's

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arbitration controller in order to control the traffic in the system as it is done in push-to-talk systems.

Regarding claims 10 and 19, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1 and 12.

Stevens in view of MPEP 2144.03 does not specifically teach of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link

In related art, Lynk further teaches of generating the denial of the access request within a wireless communication device that presently has access to the broadcast link (column 7, lines 49-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stevens in view of MPEP 2144 combination with Lynk's denial of the access request within a wireless communication device in order to decentralize the control of the system.

Regarding claims 11 and 31, Stevens in view of MPEP 2144.03 teaches all the limitations of claims 1 and 26.

Stevens in view of MPEP 2144.03 does not specifically teach of transmitting the access request in response to actuation of a push-to-talk input medium associated with a wireless communication device

In related art, Lynk teaches of transmitting the access request in response to actuation of a push-to-talk input medium associated with a wireless communication device (column 5, lines 20-24).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stevens in view of MPEP 2144 combination with Lynk's push-to-talk input medium in order to proceed as it is done ordinarily in push-to-talk systems.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



Angelica Perez
(Examiner)



NAY MAUNG
SUPERVISORY PATENT EXAMINER

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September 19, 2005